UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/675,838	09/30/2003	Krista Bendig	60001.0371US01 MS300513.1	6904

7590 06/25/2008

Merchant & Gould P.C.
P.O. Box 2903
Minneapolis, MN 55402-0903

EXAMINER	
HILLERY, NATHAN	

ART UNIT	PAPER NUMBER
2176	

MAIL DATE	DELIVERY MODE
06/25/2008	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/675,838	BENDIG, KRISTA	
	Examiner	Art Unit	
	NATHAN HILLERY	2176	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *09 April 2008*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-9 and 12-28* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-9 and 12-28* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date *10/15/07*.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

1. This action is responsive to communications: Amendment filed on 4/9/08.

2. Claims 1 – 9 and 12 – 28 are pending in the case. Claims 1, 14 and 20 are independent.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

4. Claims 1, 2, 6 – 9, 12 – 22, and 25 – 28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Maynard (US 6175830 B1) and Douglas et al. (US 20020040311 A1) and further in view of Nasypny (US 20050071150 A1).

5. **Regarding independent claims 1 and 20**, Maynard teaches that *The search module will utilize the search query to search through the database records 24a-24z so as to find the database records 30 matching the words or phrases in the search query* (Column 6, lines 58 – 61), which meet the limitation of **locating one or more of the search results generated by the search of the electronic document**.

Maynard further teaches that *In some instances, the finite element can be the entire document itself. The break module is also responsible for analyzing the contents of each finite element 20a-20z and creating a categorical tag 22a-22z for each finite element, which is to be inserted into the finite element* (Column 6, lines 13 – 18) and Maynard also teaches that *The index module parses through each of the finite elements*

created by the break module and creates a searchable database 23 including a database record 24a-24z for each of the finite elements created by the break module (Column 6, lines 30 – 33), which meet the limitation of **identifying each of the tagged data items present in the electronic document within a distance from each search result**.

Maynard teaches that Specifically, the hierarchy selection will inform the search module whether or not the search results are to be displayed in an order or structure based entirely upon the information contained within the categorical tags (research-centric) if the search results are to be displayed in an order depending entirely upon the frequency of the key words or phrases present within the finite elements (conventional), or if the search results are to be displayed in an order or structure based upon a combination of the two (document-centric) (Column 6, lines 48 – 64), which meet the limitation of **displaying the one or more tagged items associated with each search result and identified as within the distance from each search result**.

Maynard teaches that on a secondary level, the categorical tag will indicate whether or not the finite element is included in the Recommendations, Measures, etc. (Column 10, lines 58 – 60), which meet the limitation of **removing a tag from a displayed item associated with the one or more search results by specifying in the user interface that the item should not be categorized**.

Maynard does not explicitly teach **identifying each of the tagged data items present in the electronic document within a distance from each search result using a proximity rule; and determining whether the each of the tagged data**

items present in the electronic document should be associated with the one or more search results using grammatical semantic intelligence.

Douglas et al. teach that a computer processor applies calculation logic stored in the method 10 to automatically calculate statistics and/or relevancy ratings 24 based on keywords 14 found in the document 12 using algorithms for frequency, location, density, proximity (paragraph block 0020), which meet the limitation of **identifying each of the tagged data items present in the electronic document within a distance from each search result using a proximity rule**.

Maynard teaches that *the break module 10 parses through an informational resource, such as a group of documents 18 to break up the group of documents into "finite elements" 20a-20z. Each finite element is a user-defined "basket" of information from documents that is to be individually indexed and searched. The finite element is usually not a single word, phrase or symbol, but is a section or portion of an informational resource that can be identified and isolated by the break module. A simple example of a finite element would be the individual paragraphs of a document. Other examples of finite elements would include sub-chapters of a document, individual pages of a document, and other types of identifiable sections of a document. In some instances, the finite element can be the entire document itself* (Column 6, lines 1 – 14), which meet the limitation of **wherein identifying each of the tagged data items comprises: calculating the distance between each search result and each tagged data item; and determining if the calculated distance is less than a distance**

criterion, wherein the distance criterion is a predetermined number of lines of text.

It would have been obvious to one of ordinary skill in the art at the time of the invention to combine the invention of Maynard with that of Douglas et al. because such a combination would provide the users of Maynard with using detected keywords to rate each web document visited (paragraph block 0011).

Neither Maynard nor Douglas et al. explicitly teach **determining whether the each of the tagged data items present in the electronic document should be associated with the one or more search results using grammatical semantic intelligence**.

Nasypny teaches that the method developed herein can also be suitably used to synthesize a self-instructing system for extraction of knowledge from textual documents for use in search systems in any of a plurality of given foreign languages. This mechanism provides an automatic self-instruction of the system on rules of grammatical and semantic analysis by way of equivalent transformations of stochastically indexed fragments of a text in any of given foreign languages, a logical conclusion and generation of linked semantic structures from said fragments, stochastic indexing of said structures to be represented in the form of production rules (paragraph block 0354), which meet the limitation of **determining whether the each of the tagged data items present in the electronic document should be associated with the one or more search results using grammatical semantic intelligence**.

It would have been obvious to one of ordinary skill in the art at the time of the invention to combine the invention of Maynard and Douglas et al. with that of Nasypny because such a combination would provide the users of Maynard and Douglas et al. with a self-learning mechanism in a form of a stochastically indexed artificial intelligence system (paragraph block 0037).

6. **Regarding independent claim 14**, Maynard teaches that *The search module will utilize the search query to search through the database records 24a-24z so as to find the database records 30 matching the words or phrases in the search query* (Column 6, lines 58 – 61), which meet the limitation of **completing the search of the electronic document** and **locating each result of the search within the electronic document**.

Maynard further teaches that *In some instances, the finite element can be the entire document itself. The break module is also responsible for analyzing the contents of each finite element 20a-20z and creating a categorical tag 22a-22z for each finite element, which is to be inserted into the finite element* (Column 6, lines 13 – 18) and Maynard also teaches that *The index module parses through each of the finite elements created by the break module and creates a searchable database 23 including a database record 24a-24z for each of the finite elements created by the break module* (Column 6, lines 30 – 33), which meet the limitation of **determining if one or more of the tagged data items are present in the electronic document within a distance**

from each search result, wherein the distance comprises a location of the one or more tagged data items relative to each search result.

Maynard teaches that on the search results screen the end user will select which chapter he or she would like to view a relevant finite element from and the display will then expand to show the finite elements from that chapter matching the search query. These finite elements contained within this chapter will be ordered depending upon the weight of the search query or words (Column 7, lines 7 – 13), which meet the limitation of **traversing the electronic document based on the tagged data items**, in so far as could be understood in light of the rejection under 35 USC 112, first paragraph.

Maynard does not explicitly teach **determining if one or more of the tagged data items are present in the electronic document within a distance from each search result using a proximity rule, wherein the distance comprises a location of the one or more tagged data items relative to each search result**.

Douglas et al. teach that a computer processor applies calculation logic stored in the method 10 to automatically calculate statistics and/or relevancy ratings 24 based on keywords 14 found in the document 12 using algorithms for frequency, location, density, proximity (paragraph block 0020), which meet the limitation of **determining if one or more of the tagged data items are present in the electronic document within a distance from each search result using a proximity rule, wherein the distance comprises a location of the one or more tagged data items relative to each search result**.

It would have been obvious to one of ordinary skill in the art at the time of the invention to combine the invention of Maynard with that of Douglas et al. because such a combination would provide the users of Maynard with using detected keywords to rate each web document visited (paragraph block 0011).

7. **Regarding dependent claims 2, 12 and 13**, Maynard teaches that *the break module 10 parses through an informational resource, such as a group of documents 18 to break up the group of documents into "finite elements" 20a-20z. Each finite element is a user-defined "basket" of information from documents that is to be individually indexed and searched. The finite element is usually not a single word, phrase or symbol, but is a section or portion of an informational resource that can be identified and isolated by the break module. A simple example of a finite element would be the individual paragraphs of a document. Other examples of finite elements would include sub-chapters of a document, individual pages of a document, and other types of identifiable sections of a document. In some instances, the finite element can be the entire document itself* (Column 6, lines 1 – 14), which meet the limitation of **the distance from each search result comprises the distance between a first paragraph mark and a second paragraph mark, wherein one or more of the search results are located between the first paragraph mark and the second paragraph mark within the electronic document; the distance criterion is a number of alphanumeric characters; the distance from each search result comprises a**

distance based on grammatical rules of a language comprising the electronic document.

8. **Regarding dependent claim 7**, Maynard teaches that *From there, the user will make a selection 34 indicating to the un-break module 16 which of the finite elements the user wishes to view* (Column 7, lines 14 – 16) as illustrated in Fig 1.34, which meet the limitation of **each tagged data item is displayed as a hyperlink and each hyperlink corresponds to a location in the electronic document containing of the tagged data item**.

9. **Regarding dependent claims 8 and 9**, Maynard teaches that *The categorical tag may also include an organizational attribute such as pertaining to the type of finite element or the location of the finite element within the document, a date stamp, a categorical word or phrase summarizing the contents of the finite element, etc.* (Column 6, lines 21 – 25), which meet the limitation of **the one or more tagged data items belong to one or more categories of data; the categories of data comprise people's names, physical addresses, e-mail addresses, universal resource locators, dates, and telephone numbers**.

10. **Regarding dependent claim 6**, Maynard teaches that A second level of the display results may order the finite elements for each chapter based upon the weight or frequency that the search words or phrases appear within each finite element (Column

7, lines 4 – 7), which meet the limitation of **the step of determining the tagged data items present in the electronic document within a distance from each search result that comprise a subset of the tagged data items based on a search term prior to displaying the tagged data items**.

11. **Regarding claims 14 – 19**, the claims incorporate substantially similar subject matter as claims 1, 2, 6 – 13 and are rejected along the same rationale.

12. **Regarding claims 21, 22, 25 – 28**, the claims incorporate substantially similar subject matter as claims 1, 2, 6 – 13 and are rejected along the same rationale.

13. Claims 3 – 5, 23 and 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Maynard (US 6175830 B1), Douglas et al. (US 20020040311 A1) and Nasypny (US 20050071150 A1) as applied to claims 1, 14, and 20 above, and further in view of Kadayam et al. (US 20030212673 A1).

14. **Regarding dependent claims 3 and 4**, Maynard, Douglas et al., and Nasypny do not explicitly teach **the one or more tagged items identified as within the distance from each search result are displayed by a user interface in a window separate from a window displaying content of the electronic document; any of the tagged items identified as within the distance from each search result are displayed at the top of the separate window and the one or more search results are displayed beneath the displayed tagged data items**

Kadayam et al. illustrate in Figure 3 an example screen-shot of the exemplary embodiment, which meet the limitation of **the one or more tagged items identified as within the distance from each search result are displayed by a user interface in a window separate from a window displaying content of the electronic document; any of the tagged items identified as within the distance from each search result are displayed at the top of the separate window and the one or more search results are displayed beneath the displayed tagged data items** (Fig 3. 44).

It would have been obvious to one of ordinary skill in the art at the time of the invention to combine the invention of Maynard, Douglas et al., and Nasypny with that of Kadayam et al. because such a combination would provide the users of Maynard, Douglas et al., and Nasypny with *an enterprise-scale system and method for searching and retrieving electronic information from disparate electronic information sources within a large organization (an intranet) and/or from the Internet* (p 1, paragraph block 0006).

15. **Regarding dependent claim 5**, Maynard, Douglas et al., and Nasypny do not explicitly teach **each tagged item identified as within the distance from one or more search result is displayed adjacent to the search result in the separate window**.

Kadayam et al. illustrate in Figure 16 an example screen shot of the exemplary embodiment, which meet the limitation of **each tagged item identified as within the distance from one or more search result is displayed adjacent to the search result in the separate window**.

It would have been obvious to one of ordinary skill in the art at the time of the invention to combine the invention of Maynard, Douglas et al., and Nasypny with that of Sumita et al. because such a combination would provide the users of Maynard, Douglas et al., and Nasypny with *an enterprise-scale system and method for searching and retrieving electronic information from disparate electronic information sources within a large organization (an intranet) and/or from the Internet* (p 1, paragraph block 0006).

16. **Regarding claims 23 and 24**, the claims incorporate substantially similar subject matter as claims 3 – 5 and are rejected along the same rationale.

Response to Arguments

17. Applicant's arguments filed 4/9/08 have been fully considered but they are not persuasive.

18. In response to applicant's arguments against the references individually, one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.,* 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986).

19. Applicant's arguments fail to comply with 37 CFR 1.111(b) because they amount to a general allegation that the claims define a patentable invention without specifically pointing out how the language of the claims patentably distinguishes them from the references.

20. Applicant merely states that none of the references teach **removing a tag from a displayed item associated with the one or more search results by specifying in the user interface that the item should not be categorized**.

21. It should be noted that Maynard teaches that on a secondary level, the categorical tag will indicate whether or not the finite element is included in the Recommendations, Measures, etc. (Column 10, lines 58 – 60) – clearly meeting the claim limitations.

Conclusion

22. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to NATHAN HILLERY whose telephone number is

(571)272-4091. The examiner can normally be reached on M - F, 10:30 a.m. - 7:00 p.m.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Doug Hutton can be reached on (571) 272-4137. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/Stephen S. Hong/
Supervisory Patent Examiner, Art Unit 2178

NH